

## LAW OFFICES

## INGERMAN SMITH, L.L.P.

150 MOTOR PARKWAY, SUITE 400  
HAUPPAUGE, NEW YORK 11788  
(631) 361-8834

550 MAMARONECK AVENUE, SUITE 809  
HARRISON, NEW YORK 10528  
(914) 777-1134

DANIEL GREENBERG  
JOHN H. GROSS  
WARREN H. RICHMOND, III  
JONATHAN HEIDELBERGER  
ANNA M. SCRICCA  
CHRISTOPHER VENATOR  
NELL M. BLOCK  
MARY ANNE SADOWSKI  
GUS MOUNTANOS  
CHRISTOPHER M. POWERS  
SUSAN M. GIBSON  
CHRISTOPHER J. CLAYTON  
RALPH C. DEMARCO

PERCY INGERMAN  
(1936-1994)  
BERNARD C. SMITH  
(1949-1993)

AMANDA E. REGISTLER\*  
FRANCES A. RADMAN  
SUSAN E. FINE  
JULIE A. TORREY  
CARRIE-ANNE TONDO\*\*  
ANTONIA L. HAMRIEN\*\*  
EMILY J. LUCAS\*\*\*  
MICHAEL G. MCALVIN\*\*\*  
ALLA BRODSKY\*\*\*  
CHRISTOPHER G. KIRBY  
JOSEPH E. MADSEN  
NOAH WALGER  
KATHRYN C. TONDEL\*\*\*  
CAROLYN J. PRZYBYLO  
LESLIE J. MORSILLO

PETER D. JOHNSON  
Of Counsel

\*Also admitted in CA  
\*\*Also admitted in CT  
\*\*\*Also admitted in NJ

-via facsimile transmission (914-390-4085)-

March 7, 2008

Honorable Charles L. Briant  
U.S. District Court Judge  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601-4150

Re: Space Age Alarms, Inc. v. The Bd. of Educ. of the White Plains City School  
District, et al.  
Index No.: 07-CV-7606 (CLB)(MDF)

Dear Judge Briant:

This firm represents the White Plains City School District (hereinafter "School District") and Michael Lynch in the above-referenced matter. On October 26, 2007, the School District and Mr. Lynch filed a pre-answer Motion to Dismiss Plaintiff's Complaint. Oral arguments on the Motion were heard on December 14, 2007, and the Court reserved decision.

On October 5, 2007, prior to the filing of the Motion to Dismiss, the parties met for an initial court conference and a Scheduling Order was issued in which the discovery deadline was set for April 3, 2008. Despite the pending Motion, the parties have engaged in the production and exchange of documents and initial disclosures. As we approach April 3, 2008, due to the pending Motion, issue has still not been joined. Thus, it is respectfully requested that the April 3, 2008, deadline be extended. I respectfully submit that conducting depositions at this time is premature and possibly unnecessary. If the court grants the Motion in whole, or in part, the entire complexion of the case will certainly change, as will the scope and length of the depositions. Moreover, the School District still has the opportunity to assert its claims and/or affirmative defenses in its

**MEMO ENDORSED**

*Reviewed as noted -  
Motion decided on 3/12/08  
See, etc. to be entered  
March 12, 2008  
Charles L. Briant  
11505*

Honorable Charles L. Bricant  
United States District Court

March 7, 2008  
Page 2

Re: **Space Age Alarms, Inc. v. The Bd. of Educ. of the White Plains City School District, et al.**  
Index No.: 07-CV-7606 (CLB)(MDF)

---

responsive pleadings to the Plaintiff's Complaint. In addition, if depositions were to be held before issue is joined, the School District and Mr. Lynch would certainly object to having to produce their witnesses for a second deposition to answer questions regarding its Answer.

Therefore, it is respectfully requested that the Court grant an extension of the discovery deadline until after the Motion to Dismiss is decided. Specifically, it is requested that a conference be scheduled subsequent to the decision on the Motion so the Court and parties can schedule dates for the completion of discovery, including the scheduling of depositions.

Counsel for the other parties consent to this request. No other requests to alter the Scheduling Order have been made.

Respectfully submitted,

  
MICHAEL G. McALVIN

cc: Leroy Wilson, Jr., Esq. (via facsimile transmission 914-997-0830)  
Hugh G. Jasne, Esq. (via facsimile transmission)